

AMENDMENTS TO THE DRAWINGS

The attached "Replacement Sheets of drawings includes changes to Figures 2 and 5. The attached "Replacement Sheet which includes Figures 1-6, replaces the original sheet including Figures 1-6.

Attachment: Replacement Sheet

REMARKS

Claims 1-9 and 19-42 are now pending in the application. Claims 10-18 are canceled by this Amendment. Claims 25-38 have been withdrawn. Claims 39-42 have been added by this amendment. Minor non-narrowing amendments have been made to the specification and claims to simply overcome the objections to the specification and rejections of the claims under 35 U.S.C. § 112. The amendments to the claims contained herein are intended to broaden the scope thereof and/or are of equivalent scope as originally filed and, thus, are not narrowing amendments. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

DRAWINGS

The drawings stand objected to as failing to comply with 37 CFR 1.84 (p) (5) because they do not include the following reference numerals mentioned in the description: "44a" in paragraphs 44 and 45, and "134a" in paragraph 51.

Figures 2 and 5 have been amended to include reference numerals 44a and 134a respectively. Applicants respectfully request these drawing amendments be accepted and the objections to the drawings be withdrawn. Applicants also submit no new subject matter has been added.

SPECIFICATION

The specification stands objected to because of certain informalities. Applicants have amended paragraphs 50 and 52 of the present application. Therefore, Applicants submit that the objections to the specification are rendered moot and respectfully request that the objections be withdrawn.

CLAIM OBJECTIONS

Applicants have non-narrowingly amended Claim 7 to overcome the objection thereto. Applicants have non-narrowingly amended Claim 7 to insert the word –second- between “said” and “eyelet”. Therefore, Applicants request the Examiner withdraw the objection to Claim 7.

ELECTION REQUIREMENT

Applicants thank the Examiner for specifying two species, Species I (combining previous species I-IV) and Species II (combining previous species V-VII).

Applicant's respectfully disagree with the Examiner, however, that Claims 25-27 and 30-35 do not read on Species I. According to various embodiments, and not intended to limit the scope of any of the claims, Independent Claim 25 is generic and can read on the various species illustrated in Figures 1-18. For example, with reference to Figure 1, a bone engaging portion 12, a suture protecting portion and a suture engaging portion 14, and a first member engaging portion are illustrated. The first member engaging portion can include the interconnection between the suture engagement section 14 and the bone engaging section 12. In addition, Claim 35 recites that “said first member and said second member are substantially integrally formed as a single unit.” Therefore, Applicants submit

that Claims 25-27 and 30-35 are generic and do read on the elected Species I and Applicants respectfully request that these claims be examined at this time.

Also, Applicants respectfully submit that at least independent Claims 1 and 16 are generic to both Species I and II.

REJECTION UNDER 35 U.S.C. § 102 AND § 103

Claims 1-7, 9, 19-21, and 23-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Boock et al. (Publication No. U.S. 2004/0254580 A1). Claims 8 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Boock et al. in view of Sinnott et al. (Publication Number U.S. 2003/0144696 A1). These rejections are respectfully traversed.

Applicants file herewith a Declaration under 37 CFR §1.131 providing evidence to show conception and/or reduction to practice of the presently claimed invention prior to January 25, 2002. Therefore, neither Boock et al. nor Sinnott et al. are prior art to the present application. Applicants request that the Examiner withdraw the rejections under Sections 102 and 103 that rely in part or completely on either Boock et al. or Sinnott et al. Applicants submit that each of the presently pending claims is in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By:



Richard W. Warner, Reg. No. 38,043
Michael L. Taylor, Reg. No. 50,521

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

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